

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO.: 1:17-CV-261-MR-DCK**

**UNITED STATES OF AMERICA and the
STATE OF NORTH CAROLINA, ex rel.
Amanda Sharpe, and AMANDA SHARPE,
individually,**

Plaintiffs,

vs.

**ALLERGY PARTNERS, P.A., and DAVID
A. BROWN, M.D.,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on “The Government’s Notice Of Election To Decline Intervention And Motion To Unseal Complaint” (Document No. 25) filed June 10, 2019. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. The undersigned observes that the United States and the State of North Carolina decline to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), and N.C.G.S. § 1-608(b)(4)(b). (Document No. 25).

IT IS, THEREFORE, ORDERED that:

1. the Complaint and “The Government’s Notice of Election to Decline Intervention and Motion to Unseal Complaint” be unsealed;
2. if Relator elects to proceed with this action pursuant to 31 U.S.C. § 3730(c)(3) and N.C.G.S. § 1-609(f), Relator shall serve the Complaint on Defendant within 90 days of this Order;
3. all other contents of the Court’s file in this action remain under seal and not be made public or served upon Defendant, except for the Complaint, this Order and “the

Government's Notice of Election to Decline Intervention," which the Relator will serve upon Defendant only after service of the Complaint;

4. the seal shall be lifted as to all other matters occurring in this action after the date of this Order;

5. the parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States and the State of North Carolina, as provided for in 31 U.S.C. § 3730(c)(3) and N.C.G.S. § 1-609(f). The United States and the State of North Carolina may order any deposition transcripts and are entitled to intervene in this action, for good cause, at any time;

6. the parties shall serve all notices of appeal upon the United States and the State of North Carolina;

7. the United States and the State of North Carolina will continue receiving all ECF notices related to this case;

8. should the Relator or Defendant propose that this action be dismissed, settled, or otherwise discontinued, the parties shall solicit the written consent of the United States and the State of North Carolina and inform the Court of their position(s).

SO ORDERED.

Signed: June 10, 2019



David C. Keesler
United States Magistrate Judge

